

STATEMENT TO
[First Reprint]
SENATE, No. 3208

with Senate Floor Amendments
(Proposed by Senator GOPAL)

ADOPTED: FEBRUARY 2, 2023

These floor amendments:

(1) add that a State agency, department, or authority has the sole discretion to suspend the enforcement of a fine or penalty for a first-time violation of the provisions of the bill if the fine or penalty does not result in loss of income or benefits to an employee or present the risk of environmental harm;

(2) clarify that a business would not be eligible for suspension of enforcement of a fine or penalty if the violation is: (a) of a criminal nature or where failure to impose a fine or penalty would impede or interfere with the detection of criminal activity; (b) grounds for issuance of a stop-work order; or (c) related to a program that has been delegated to the State from the federal government, the violation is a failure to comply with a federal requirement, and a federal regulation mandates the imposition of a fine or civil penalty;

(3) stipulate that the 60-calendar day cure period begins upon notification from the State agency, department, or authority to the business of its decision regarding the suspension of enforcement;

(4) define “business” in the bill to mean a business entity that employs not more than 50 full-time employees or the equivalent; and

(5) extends the effective date of the bill to the 91st day following the date of enactment rather than immediately.